

SAFEGUARDING CHILDREN

**The second joint Chief Inspectors' Report on
Arrangements to Safeguard Children**

July 2005

To: The Rt Hon Charles Clarke MP, Secretary of State for the Home Department

The Rt Hon Lord Falconer of Thoroton QC, Secretary of State for Constitutional Affairs and Lord Chancellor

The Rt Hon The Lord Goldsmith QC, Attorney General

The Rt Hon Patricia Hewitt, MP, Secretary of State for Health

The Rt Hon Ruth Kelly, MP, Secretary of State for Education and Skills

We are pleased to present our second joint report to Government on how well children are being safeguarded. It draws on a broad range of inspection activity across many agencies in England and additional studies of specific topics that we identified needed further scrutiny in the first review.

The report shows that:

- since our first report in 2002 the priority given to safeguarding children across agencies has increased and children are being listened to and consulted better. Agencies are also working better together to identify and act on welfare concerns;
- the policy commitment to safeguarding is not always reflected in practice and some agencies still do not give sufficient priority to safeguarding children; and
- there are some specific concerns about the safeguarding arrangements for particular groups of children including disabled children, children living away from home and some children in health and secure settings.



The report makes a number of recommendations to government departments, national and local agencies. We are pleased that some of the areas that we have identified are already being addressed in the guidance to implement the Children Act 2004.

The report is presented by:



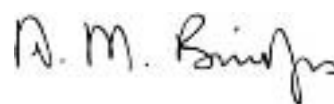
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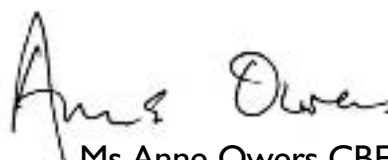
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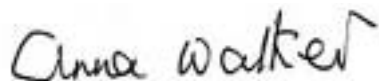
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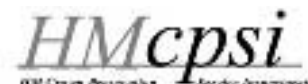
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1 Introduction

SAFEGUARDING SINCE 2002

1.1 The landscape of children's services has changed considerably since the first joint Chief Inspectors' Report on Arrangements to Safeguard Children was published in 2002 [ref. 5 and Appendix A]. That review found that whilst all agencies accepted their responsibility to ensure that children were safeguarded, this was not always reflected in practice. Agencies were not always sufficiently committed to, or willing to fund, the work of Area Child Protection Committees (ACPCs). Severe difficulties in recruiting and retaining professionals working in child protection and child welfare were also reducing the effectiveness of measures to safeguard children.

1.2 Over the last three years, there have been major developments in policy on children's services, influenced significantly by the first *Safeguarding Children* report and the Victoria Climbié Inquiry report [refs.1, 48]. The *Every Child Matters* programme, underpinned by the Children Act 2004 [refs.2, 3], aims to improve outcomes for children in five key areas: being healthy, staying safe, enjoying and achieving, making a positive contribution and achieving economic well-being. The *National Service Framework for Children, Young People and Maternity Services* [ref.58] sets out a 10-year change programme across health and social care services and their interface with education, based on child-centred practice. Important changes in the youth justice system and the management of young people who commit offences have also helped to focus greater attention on children's safeguards.

Key findings from this Review

1.3 At a local level, the priority given to safeguarding children across local government, health services and the justice system has increased in the three years since the last review and the status of work in child protection and child welfare has

improved. There are examples of good practice and agencies are working together better to safeguard children. Nonetheless, some recurring themes over the past three years across sectors and agencies cause significant concern:

- some agencies still give insufficient priority to safeguarding and children's interests and there are some groups of children, including those with disabilities and those living away from home, whose needs are not always given sufficient recognition or priority;
- there are still considerable concerns about the differing thresholds applied by social services in their child protection and family support work and about the lack of understanding of the role of social workers by other agencies; and
- continuing difficulties in recruitment and retention in some services affect their ability to safeguard children effectively and may restrict their capacity to deliver the new *Every Child Matters* arrangements.

1.4 These themes are considered in detail in this second report on safeguarding children, which seeks to identify what is working well and where improvements are still needed. It draws on a broad range of inspection activity across many agencies in England, including specific inspections on safeguarding issues which have been published separately, as well as providing evidence for this review.¹ It also draws on studies of topics identified in the previous report as needing more in-depth scrutiny, including:

- children with disabilities in educational settings;
- children who spend a long time in hospital;

¹ Her Majesty's Inspectorate of Constabulary, *Keeping Safe, Staying Safe: thematic inspection of the investigation and prevention of child abuse*, 2005. Her Majesty's Inspectorate of Court Administration, *Safeguarding children in family proceedings*, April 2005. HM Inspectorate of Probation, *From Arrest to Sentence – the YOTs Role in the Safeguarding of Children*, 2005.

- looked after children in out of area placements;
- children in family and criminal court proceedings;
- children seeking asylum; and
- children in custodial settings.

DEFINING SAFEGUARDING

1.5 At its simplest, safeguarding can be defined as “Keeping children safe from harm, such as illness, abuse or injury” [ref.6]. The first *Safeguarding Children* report noted that the term ‘safeguarding’ had not been fully or sufficiently defined in law or government guidance.

1.6 This does not fully encompass the more extensive concept of safeguarding that Sir William Utting promulgated in his 1997 report *People Like Us* [ref.23]. He defined safeguarding as a distinct activity involving “taking proactive steps to keep children safe” that incorporates more conventional child protection responses. At the time of the review the term therefore remained open to interpretation and this is reflected in its findings. Throughout this report, there are examples of a lack of understanding of, or engagement with, the term as it relates to individual agencies’ work. However, S.11 of the Children Act 2004 introduces a duty on agencies involved with children to both safeguard them and promote their welfare. The Department for Education and Skills is consulting on how this duty should be carried out in practice. This will provide clear direction to all agencies.

1.7 For the purposes of this review, the definition of safeguarding that was used in the first review is retained:

- *All agencies working with children, young people and their families take all reasonable measures to ensure that the risks of harm to children’s welfare are minimised; and*
- *Where there are concerns about children and young people’s welfare, all agencies take all appropriate actions to address those concerns, working to agreed local policies and procedures in full partnership with other local agencies.*

1.8 Copies of this report are available from the website at www.safeguardingchildren.org.uk. A young person's guide to this review, called *Keeping Children Safe*, and a summary of the review, are also available in print and on the website. The website also provides links to other inspection reports associated with this review¹, and a literature review with links to research and other publications relating to safeguarding issues undertaken since the first joint Chief Inspectors' Review of Children's Safeguards was published in 2002.

2 Summary of key findings

2.1 This report explores how well public services safeguard children in a wide range of settings, including children who live at home and away from home, those involved in the justice system and those seeking asylum. A number of key themes run across many different settings, some of which reflect findings from the first *Safeguarding Children* report. Attention and effort are still needed to address them at both national and local levels.

Giving priority to safeguarding

2.2 The priority that is given to safeguarding children across local government, health services and the justice system has increased since 2002. More effort is devoted to listening to and consulting with children, there is increased commitment at executive and senior levels to safeguarding and it is more extensively embedded in policies and procedures.

2.3 However, the level of priority given to safeguarding still varies considerably between agencies that are involved with children. Some agencies, particularly in the justice system, have not yet sufficiently reflected upon what safeguarding means for their work and ensured that policy commitments to safeguarding are fully embedded in practice. Key findings include:

- some agencies do not monitor how far the safeguarding ethos spreads throughout their organisation;
- there is an assumption that because children living away from home are already in care or under supervision, they must be safe, despite the considerable variations in children's own views on whether or not they are safe. This is reflected in some councils' failure adequately to monitor individual placements for children living away from home, especially contracts for placements of children outside their home area;
- insufficient priority is given to the safeguarding needs of some groups of children, including: children with disabilities; those

placed for adoption; young people aged 16-18 with a mental health condition or a chronic illness; children with a mental health condition admitted to secure settings; and vulnerable boys and girls of 15+ placed inappropriately in young offender institutions; and

- There is concern about how well settings that are currently unregulated safeguard children. These include educational provision through arrangements that are not registered as schools, armed forces recruitment and detention centres and private fostering arrangements.

2.4 At a strategic level, although there have been improvements, there is still considerable variation in the membership and effectiveness of Area Child Protection Committees. The development of Local Safeguarding Children Boards provides the opportunity to put in place more effective arrangements for local leadership, joint working, wider engagement, monitoring and review and sharing of good practice in safeguarding.

Giving children a voice

2.5 Some children feel they are adequately listened to and consulted. For example, many National Health Service (NHS) trusts have made considerable efforts to communicate with children appropriately and to seek their views in developing services; young people who commit offences are almost exclusively positive about their experiences with youth offending teams (YOTs); and there has been much attention given to seeking children's views in cases of domestic violence and improving support when they appear as witnesses in court. There are many other examples of creative and sensitive approaches to communicating and consulting with children.

2.6 However, many other children do not have sufficient opportunities to express their views or concerns. For example:

- insufficient account is taken of the complexities of communicating with children with language and communication difficulties;
- social services do not consistently ensure that children looked after have contact with a range of reliable adults, such as

independent visitors (where the child wishes it), or that social workers regularly visit children;

- most children involved in family proceedings have little or no say in the formal arrangements that will significantly affect their lives and they are not encouraged to attend court, except in adoption cases; and
- the concerns of children who are witnesses in court about the means by which they will give evidence are not always taken into account.

Behaviour management

2.7 The review raises particular concerns about the use of certain behaviour management techniques in many settings. These include the use of physical control, strip-searching and single separation or segregation in young offender institutions, local authority secure children's homes and secure training centres. There are also concerns about the over-use of physical control in children's homes, some special schools and some NHS settings.

Identifying and acting on welfare concerns

2.8 Agencies are working together better to identify and act on welfare concerns. There is greater clarity about roles and responsibilities, underpinned by protocols for operational co-operation and information sharing. In advance of the arrangements anticipated by *Every Child Matters*, some councils are already working effectively with partner agencies to enable children and families to access support services without needing to make unnecessary referrals to child protection services. Although the overall numbers of children on the child protection register have not reduced nationally, numbers have reduced in some areas. This indicates increased levels of trust between social services, education, health and youth justice services as well as better engagement from parents.

2.9 However, three years after the first *Safeguarding Children* report, there remain significant issues about how thresholds are applied by social services in their child protection and family support work. Key findings include:

- agencies other than social services are often unclear about how to recognise the signs of abuse or neglect, are uncertain about the thresholds that apply to child protection or do not know to whom they should refer their concerns. More attention needs to be paid to identifying welfare concerns for children with disabilities;
- largely because of resource pressures, some councils' social services apply inappropriately high thresholds in responding to child protection referrals and in taking action to protect children; and
- because some social services are unable to respond to families requiring support, other agencies do not refer children when concerns about their welfare first emerge. This means that some families are subject to avoidable pressure, children may experience preventable abuse or neglect and relationships between social services and other agencies may become strained.

These continued concerns raise questions about whether there will be sufficient capacity in all council areas to protect and promote the welfare of children effectively as well as achieving an appropriate balance between universal and preventative services within the new *Every Child Matters* arrangements. It also highlights the need to undertake further work to clarify roles and responsibilities across agencies in some areas.

2.10 In addition, arrangements for sharing information and joint working between agencies do not always work well and there can be delays in addressing risk factors, health issues and education needs. This is of particular concern where a council places children looked after in another council area without notification. There are also several areas in which arrangements need to be clarified between agencies for young people who commit offences, including: when a young person has been in police custody, has been remanded into the care of the council or has been remanded in custody to a secure setting.

Workforce issues

2.11 Since 2002, the status of child protection and welfare work has increased, for instance in the police service. Recruitment and retention have improved in other services,

such as education, and committed and skilled staff work with children in many settings. However, as the first *Safeguarding Children* review found, some services are under considerable pressure because of difficulties in recruiting and retaining adequately skilled and experienced staff, for example in social services and secure settings. Some agencies are adopting creative approaches to recruitment and retention. In others, staff shortages continue to have a detrimental impact on services' ability to safeguard children effectively.

2.12 Recruitment procedures and arrangements for checking that staff are suitable to work with children also continue to give rise to considerable concern. Checking of recruitment agency staff, contractors and staff from outside the United Kingdom (UK) and rechecking of existing staff with the Criminal Records Bureau are particularly inconsistent.

Children seeking asylum

2.13 Planning and providing services for the asylum-seeking children who have come to the UK in recent years is a challenging and complex task. It is complicated by many factors including: problems in responding to unpredictable numbers and unfamiliar cultures; the difficulty of reconciling immigration requirements and welfare considerations; disagreement and uncertainties about funding levels; and the scarcity of accurate information and inadequate information sharing.

2.14 The councils visited for this review are strongly committed to safeguarding asylum-seeking children. There are examples of effective dedicated services in health, education and the voluntary sector, and creative approaches to addressing some of the distinctive needs of asylum-seeking children, such as matching children with appropriate foster carers. However:

- inter-agency planning is often limited and identification of and information sharing about children in asylum seeking families are particularly variable;
- some councils place homeless families or unaccompanied looked after asylum-seeking children in other council areas without notifying the receiving council;
- child protection issues may not always be recognised. It is a

significant concern that some children and young people are not identified and protected, for example those who are privately fostered, or those who are in the country illegally;

- services for unaccompanied asylum-seeking young people of 16-18 and support for over-18s who were not previously in care are inconsistent; and
- there are considerable concerns about the welfare of children held with their families in immigration removal centres. There is a lack of effective guidance from the Immigration and Nationality Directorate, agreed with local ACPCs, on child protection arrangements to be applied in immigration removal centres and an absence of arrangements for welfare assessment and care planning for children in detention.

3 Recommendations

The Department for Education and Skills and the Home Office should:

3.1 Give consideration in national consultation on Local Safeguarding Children Boards (LSCBs) to:

- developing appropriate links with the full range of agencies working with children in addition to the core agencies on Local Safeguarding Children Boards. This should include the courts, the Crown Prosecution Service and, where appropriate, the immigration service, including removal centres and local enforcement offices;
- the management of and dissemination of learning from serious case reviews; and
- accountability arrangements and responsibility for forward planning between the Local Safeguarding Children's Boards and the children's trust governance arrangements.

The Department for Education and Skills should:

3.2 Review arrangements to safeguard children where they are away from home in settings that are currently unregulated, such as sports, music or language centres etc. to ensure that appropriate regulation and safeguarding arrangements are in place. This review should also apply to armed services settings which accommodate children.

3.3 Reinstate the duty on social workers to visit children looked after at a minimum specified frequency and require social services, and subsequently, children's services, to monitor these arrangements effectively.

The Department for Education and Skills, the Department of Health, the Youth Justice Board and the National Offender Management Service should:

3.4 Issue one agreed set of principles for the use of control

methods in all settings where children are cared for, including secure settings. This should take account of children's views and the need to place the use of physical control within an overall behavioural management strategy and in a wider context of prevention. Arrangements should be made for comprehensive accredited and/or approved training for staff.

The Home Office, the Association of Chief Police Officers, and the Association of Police Authorities should:

3.5 Consider introducing national performance indicators for the police for child protection and the investigation of child abuse to give it due priority.

The Department of Health, in consultation with the Royal College of Paediatrics and Child Health and the Royal College of Nursing, should:

3.6 Ensure that clear guidance is drawn up for NHS organisations on role definitions and specifications for named and designated health professionals who have specific responsibilities for child protection, including arrangements to provide protected time to undertake this additional work.

The Youth Justice Board should:

3.7 Support youth offending teams in discharging their responsibilities by advising them on their strategic role on Local Safeguarding Children Boards and providing further direction on work to safeguard children and young people.

The Youth Justice Board and the National Offender Management Service should:

3.8 Promote the personal officer role as an integral part of the team in young offender institutions; and promote good practice in safeguarding children in prison custody, especially in relation to behaviour management and the care of particularly vulnerable children.

HM Courts Service and Children and Family Court Advisory and Support Service (CAFCASS) should:

3.9 Promote increased participation of children in family court proceedings.

The Immigration and Nationality Directorate of the Home Office, in agreement with the Department for Education and Skills, should:

3.10 Issue guidance to immigration removal centres and local councils to ensure that:

- a care plan, incorporating good quality health, educational and social care provision, is drawn up at the point of detention for each detained child, following an assessment in line with the *Framework for Assessment of Children in Need and their Families* (2000);
- continuity of education is taken into account when children are detained;
- an investigation is carried out and a multi-disciplinary conference is convened by the local ACPC (or its successor Local Safeguarding Children Board) if the assessment shows the child to be at risk of significant harm under S.47 of the Children Act 1989, in line with *Working Together to Safeguard Children* (1999);
- a multi-disciplinary review is in any event convened for any child to be detained for more than three weeks; and
- all assessments inform decisions on the necessity for continued detention.

All agencies and organisations directly involved with children should:

3.11 Review their approach to safeguarding, in line with the requirements of the Children Act 2004 and guidance, in order to:

- identify the relevant safeguarding issues specific to their area of work;
- ensure that there are policies and procedures in place to address these issues; and

- put in place regular quality assurance and monitoring systems to ensure that policy is followed through consistently in practice, and demonstrates effective outcomes.

3.12 Ensure that staff working with or in contact with:

- children with disabilities;
- children in private fostering situations; and
- asylum-seeking children,

know how to recognise the signs of abuse or neglect and which procedures to follow in such cases.

3.13 Audit their recruitment and staff checking procedures so that the following practices are carried out consistently:

- references are always verified and properly recorded in staff files;
- a full employment history is available on file for every member of staff, any gaps in employment history are checked and accounted for and qualifications are checked; and
- enhanced Criminal Records Bureau checks are consistently undertaken on new staff and those working with children who have not previously been subject to checks, including temporary, agency or contract staff, prior to the establishment of the centralised vetting and barring scheme proposed in response to the Bichard recommendations [ref.21].

3.14 Review existing safeguarding policies to ensure that they take full account of the needs of children with disabilities and assess the professional development needs of staff who work with children with disabilities to equip them to:

- communicate effectively with children;
- identify potential child protection concerns;
- track and monitor behaviour patterns; and
- follow appropriate child protection procedures.

